

DATED 22 June ~~2014~~ ²⁰¹⁵

THE SECRETARY OF STATE FOR EDUCATION (1)

and

HOLY TRINITY CHURCH OF ENGLAND PRIMARY ACADEMY (2)

DEED OF VARIATION
relating to a Funding Agreement
dated 1st September 2011

THIS DEED OF VARIATION is made on

22nd June

2015

BETWEEN:

- (1) The Secretary of State for Education ("Secretary of State"); and
- (2) HOLY TRINITY CHURCH OF ENGLAND PRIMARY ACADEMY, a charitable company incorporated in England and Wales with registered number 7743627 ("HOLY TRINITY CHURCH OF ENGLAND PRIMARY ACADEMY")

together referred to as the "Parties".

INTRODUCTION:

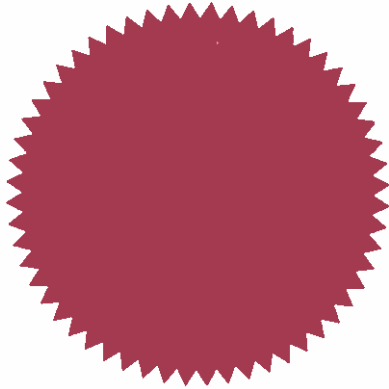
- (A) The Parties entered into a funding agreement dated 1st September 2011 ("Funding Agreement") relating to the establishment, maintenance and funding of a school known as HOLY TRINITY CHURCH OF ENGLAND PRIMARY ACADEMY.
- (B) The Parties now wish to vary and amend the terms of the Funding Agreement and wish to record their agreement as to such variations/amendments to the Funding Agreement by this Deed.

IT IS AGREED as follows:

1. The Secretary of State and the Company agree that with effect from the date of this Deed the Funding Agreement shall be amended and restated in the form set out at Schedule 1 to this Deed.
2. As varied by this Deed, the Funding Agreement shall remain in full force and effect.
3. This Agreement shall be governed by and interpreted in accordance with English law.

This document has been executed and delivered as a Deed on the date stated at the beginning of this Deed.

The Corporate Seal of the Secretary of State for Education hereunto affixed is authenticated by:



David Miles
.....

Duly Authorised by the Secretary of State for Education

Executed as a deed by HOLY TRINITY
CHURCH OF ENGLAND PRIMARY ACADEMY
acting by

a Director

in the presence of:-

M. M. M. M. M.
.....

Director

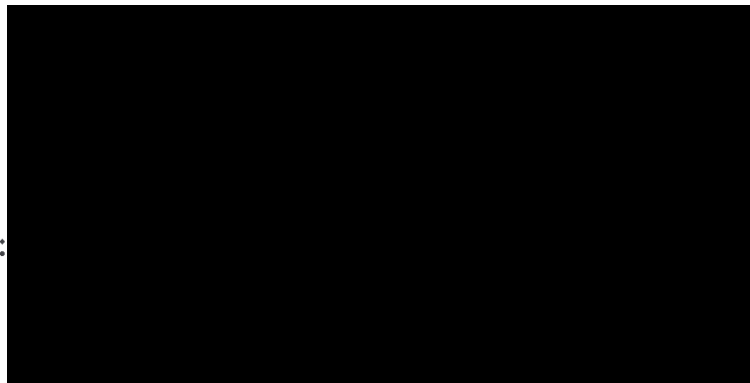
Witness

Signature: *Ruth Edwards*
.....

Witness Name: *MISS RUTH EDWARDS*
.....

Address: *BRANDON HOUSE*
.....

Occupation:



SCHEDULE 1 - Restated form of Funding Agreement

1. VARIATION OF THE [MASTER¹] FUNDING AGREEMENT

a) With effect from [*] the Secretary of State and the [Academy Trust/Company] agree that clauses [18 and 19²] of the Funding Agreement shall be replaced with the following:

'18) Subject to clause 19, the [Academy Trust/Company] shall, in accordance with any guidance which the Secretary of State may issue on the qualifications of teaching and other staff in Academies, employ anyone it deems is suitably qualified or is otherwise eligible under a contract of employment or for services to carry out planning and preparing lessons and courses for pupils, delivering lessons to pupils, assessing the development, progress and attainment of pupils, and reporting on the development, progress and attainment of pupils.

19) Clause 18 does not apply to anyone who:

- a) is appointed as the SENCO by the [Academy Trust/Company] under section 317(3A) of the Education Act 1996, who must meet the requirements set out in Regulation 3 of the Education (Special Educational Needs Co-ordinators) (England) Regulations 2008 (SI 2008/2945); or
- b) is appointed as a designated teacher for looked after children further to clause 17A.'

b) Except as varied by this Deed, the [Master] Funding Agreement shall remain in full force and effect.

**Concurrent with the date of the Deed of Variation ie 22 June 2015*

¹ The wording differs for multi-academy trusts that include special and alternative provision academies. It is also important to note that special academies are still required by legislation to employ teachers with QTS. If appropriate please use the model wording used in the current multi model FA for mainstream, AP and special academies available on the DfE website as follows: for primary academies this is available at <http://www.education.gov.uk/schools/leadership/typesofschools/academies/primary/steps/b00204874/supporting-documents/multi-academies> for secondary academies this is available at <http://www.education.gov.uk/schools/leadership/typesofschools/academies/secondary/steps/b00209699/supporting-documents/multi-academies>

² The clause numbering may vary between funding agreements so it is important to check that the clause references are correct (for the purpose of this template the clause references match the current July 2012 single model funding agreement).